

**ZO-04-365 (Also see Subdivision Ordinance  
Amendment 17-04-101 and Public Facilities Manual  
Amendment 86-04-PFM, adopted simultaneously  
June 7, 2004**

**ADOPTION OF AN AMENDMENT TO CHAPTER 112  
(ZONING) OF THE 1976 CODE OF THE COUNTY OF FAIRFAX, VIRGINIA**

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium, Lobby Level, Government Center Building, 12000 Government Center Parkway, Fairfax, Virginia, on Monday, June 7, 2004, the Board after having first given notice of its intention so to do, in the manner prescribed by law, adopted an amendment to Chapter 112 (Zoning) of the 1976 Code of the County of Fairfax, Virginia, said amendment so adopted being in the words and figures following, to-wit:

**BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF FAIRFAX COUNTY,  
VIRGINIA:**

Amend Chapter 112 (Zoning Ordinance), as follows:

**Amend Article 2, General Regulations, as follows:**

- **Amend Part 3, Interpretations of District Regulations, as follows:**

- **Amend Sect. 2-306, Lot Size Requirements, by revising Par. 2 to read as follows:**

2. In the R-C through R-4 Districts, minimum lot area and lot width requirements are presented for conventional subdivision lots, and cluster subdivision lots which may be allowed in accordance with the provisions of Sections 2-421 and 9-615, as applicable. In addition, in the R-2 through R-30 Districts, minimum lot area and lot width requirements are presented for affordable dwelling unit developments.

- **Amend Sect. 2-309, Open Space, by revising the introductory paragraph and Par. 4 to read as follows:**

The open space requirements presented for a given zoning district shall be considered as a minimum, and such open space shall be located on the same lot as the primary use or structure, except as specifically provided otherwise in this Ordinance. Open space requirements shall, generally, be presented as an expressed percent of the gross area of the lot.

No part of the open space in any development shall be subsequently reduced below the minimum requirements of this Ordinance, nor be utilized in any manner contrary to the provisions of this Ordinance, except as specifically provided otherwise in this Ordinance. Open space shall not be denuded, defaced or otherwise disturbed in any manner at any time without the approval of the Director.

The computation of open space areas shall be based on the following rules:

4. In cluster subdivisions, at least seventy-five (75) percent of the minimum required open space or one (1) acre, whichever is less, shall be provided as a contiguous area of open space, which has no dimension less than fifty (50) feet. Deviations from this provision may be permitted with Board of Supervisors' approval of a Category 6 special exception for waiver of open space requirements or appropriate proffered conditions for cluster subdivisions in the R-C, R-E and R-1 Districts and for cluster subdivisions in the R-3 and R-4 Districts which have a minimum district size of two (2) acres or greater but less than three and one-half (3.5) acres, if it finds that such deviation will further the intent of the Ordinance, the adopted comprehensive plan and other adopted policies. No deviation from this provision shall be permitted for cluster subdivisions in the R-2 District and cluster subdivisions in the R-3 and R-4 Districts which have a minimum district size of three and one-half (3.5) acres or greater.

In cluster subdivisions wherein the required open space will approximate five (5) acres in area, generally such open space shall be so located and shall have such dimension and topography as to be usable open space.

- **Amend Part 4, Qualifying Lot and Yard Regulations, as follows:**

- **Amend Sect. 2-406, Pipestem Lots, by revising Par. 1B to read as follows:**

1. When deemed necessary to achieve more creative planning and preservation of natural property features or to provide for affordable dwelling unit developments, the Director may approve pipestem lots either as a single lot or in a group of lots not to exceed five (5) in number, but only in accordance with the provisions of the Public Facilities Manual and one of the following:

B. Residential cluster subdivisions approved under the provisions of Sections 2-421 or 9-615.

- **Add a new Sect. 2-421 to read as follows:**

**2-421 Cluster Subdivisions**

1. Cluster subdivisions may be permitted in the R-2 District with a minimum district size of two (2.0) acres or greater and may be permitted in the R-3 and R-4 Districts which have a minimum district size of three and one-half (3.5) acres or greater, with approval by the Director pursuant to Chapter 101 of The Code.
2. Cluster subdivisions may be permitted in the R-C, R-E and R-1 Districts and may be permitted in the R-3 and R-4 Districts which have a minimum district size of two (2) acres or greater but less than three and one-half (3.5) acres with special exception approval by the Board pursuant to Sect. 9-615.
3. After July 1, 2004, special exception approval of new cluster subdivisions in the R-2 District and new cluster subdivisions in the R-3 and R-4 Districts which have a minimum district size of three and one-half (3.5) acres or greater, shall not be permitted.
4. After July 1, 2004, the Board may approve a proffered rezoning to the R-2 District or a proffered rezoning to a R-3 or R-4 District which has a minimum district size of three and one-half (3.5) acres or greater, for the development of a cluster subdivision without bonus density when the application is for a rezoning to a residential district that has a higher permitted maximum density than the permitted maximum density of the existing zoning of the application property. In conjunction with Board approval of such a proffered rezoning, all minimum district size, lot area, lot width and open space requirements of the district and all applicable cluster subdivision provisions of Chapter 101 of The Code shall be met without modification or waiver. However, the provisions of Sect. 18-204 shall apply to such an approved proffered rezoning.

5. After July 1, 2004, the Board may approve a proffered rezoning to the R-C, R-E or R-1 District or a proffered rezoning to a R-3 or R-4 District which has a minimum district size of two (2) acres but less than three and one-half (3.5) acres, for the development of a cluster subdivision without bonus density when the application is for a rezoning to a residential district that has a higher permitted maximum density than the permitted maximum density of the existing zoning of the application property.
6. After July 1, 2004, the Board may approve a rezoning to a PDH District for a development consisting, in whole or in part, of single family detached dwellings without bonus density, provided that the application is for rezoning to a PDH District that has a higher permitted maximum density than the permitted maximum density of the existing zoning of the application property or is a rezoning from a district that permits cluster development with Director approval. Rezoning to a PDH District for a development consisting, in whole or in part, of single family detached dwellings shall be prohibited when the existing zoning of the property has the same permitted maximum density as the requested PDH District and such existing zoning permits cluster development with Board approval. In addition, rezoning to a PDH District shall be prohibited, where the application request is from the R-5 District to the PDH-5 District or from the R-8 District to the PDH-8 District for the development, in whole or in part, of single family detached dwellings.
7. Cluster subdivisions in the R-C, R-E, R-1, R-2, R-3 and R-4 Districts that were approved by proffered rezoning by the Board prior to July 1, 2004, shall continue pursuant to the proffered rezoning approval. Amendments to such proffered rezonings for cluster subdivisions in the R-C, R-E, R-1, R-2, R-3 and R-4 Districts shall be pursued in accordance with the provisions of Sect. 18-204, except that no amendment shall be pursued that permits the cluster subdivision to be enlarged, expanded, increased in density or relocated. Minor modifications to such subdivisions shall be permitted pursuant to Sect. 18-204.
8. Special exceptions for cluster subdivisions in the R-C, R-E, R-1, R-2, R-3 and R-4 Districts that were approved by the Board prior to July 1, 2004, shall remain valid and the cluster subdivision shall continue pursuant to the special exception approval and any development conditions imposed by such approval. Amendments to such special exceptions for cluster subdivisions in the R-C, R-E, R-1, R-2, R-3 and R-4 Districts, shall be pursued in accordance with the provisions of Sections 9-014 and 9-615. Minor modifications to such subdivisions shall be permitted pursuant to Sect. 9-004.
9. Cluster subdivisions in the R-E, R-1, R-2, R-3 and R-4 Districts that were approved administratively by the Director prior to October 20, 1987, or that are subject to the grandfathering provisions adopted pursuant to Zoning Ordinance Amendment ZO 87-150, may continue pursuant to any conditions of such approval. Any modification to such subdivision may be approved by the Director, pursuant to the requirements of this Section and Chapter 101 of The Code.

- **Amend Part 9, Floodplain Regulations, Sect. 2-903, Permitted Uses, by revising the introductory paragraph and by adding a new Par. 10 to read as follows:**

Except as provided in Par. 10 below for cluster subdivisions, the following uses and topographic improvements, as qualified, may be permitted in a floodplain upon a determination by the Director that such use is permitted in the zoning district in which located, and that the use is in accordance with the provisions of this Part and the standards and criteria set forth in the Public Facilities Manual. Any such approval by the Director shall be in writing and shall specify such conditions deemed necessary to ensure that the proposed construction and resultant use conform to the provisions of this Part.

Any use, including associated fill, permitted in the zoning district in which located, which does not meet the qualifications set forth below as determined by the Director, may be permitted upon the approval of a special exception by the Board.

10. For cluster subdivisions in the R-2 District and cluster subdivisions in the R-3 and R-4 Districts which have a minimum district size of three and one-half (3.5) acres or greater, only driveways that do not exceed 5000 square feet in area and will not require major fill, the extension of or connection to existing public and private utilities, trails depicted on the comprehensive plan trails map, trails connecting to trails depicted on the comprehensive plan trails map, channel improvements and erosion control measures performed by or at the direction of the County or as may be required by County ordinances, regional stormwater management facilities included in the regional stormwater management plan, and roadway floodplain crossings, as qualified by Par. 6 above, shall be permitted in a floodplain with Director approval, provided that such encroachments are the minimum necessary and are provided in a manner that minimizes disturbance to the floodplain to the greatest practical extent, both as determined by the Director.

**Amend Article 3, Residential District Regulations, as follows:**

- **Amend the R-C Residential-Conservation District as follows:**
  - **Amend Sect. 3-C06, Lot Size Requirements, to read as follows:**
    1. Minimum district size for cluster subdivisions: 50 acres
    2. Minimum lot area
      - A. Conventional subdivision lot: 5 acres
      - B. Cluster subdivision lot: 36,000 sq. ft.
    3. Minimum lot width

A. Conventional subdivision lot: 200 feet

B. Cluster subdivision lot:

(1) Lot adjacent to major thoroughfare:

(a) Interior Lot – 200 feet

(b) Corner Lot – 200 feet

(2) Lot adjacent to a local or a collector street:

(a) Interior Lot – No requirement

(b) Corner Lot – 125 feet

- **Amend Sect. 3-C08, Maximum Density, to read as follows:**

1. Conventional subdivisions: One (1) dwelling unit per five (5) acres, or 0.2 dwelling unit per acre.
2. Cluster subdivisions: 0.22 dwelling unit per acre for cluster subdivisions approved by special exception, and 0.20 dwelling unit per acre for cluster subdivisions that are the result of a proffered rezoning from a district that allows a permitted maximum density of less than one (1) dwelling unit per five (5) acres.

- **Amend the R-E Residential Estate District as follows:**

- **Amend Sect. 3-E01, Purpose and Intent, to read as follows:**

The R-E District is established to promote agricultural uses and low density residential uses; to allow other selected uses which are compatible with the open and rural character of the district; and otherwise to implement the stated purpose and intent of this Ordinance.

- **Amend Sect. 3-E06, Lot Size Requirements, to read as follows:**

1. Minimum district size for cluster subdivisions: 20 acres
2. Average lot area: No Requirement
3. Minimum lot area

A. Conventional subdivision lot: 75,000 sq. ft.

B. Cluster subdivision lot: 52,000 sq. ft.

4. Minimum lot width

A. Conventional subdivision lot:

(1) Interior lot - 200 feet

(2) Corner lot - 225 feet

B. Cluster subdivision lot:

(1) Interior lot - No Requirement

(2) Corner lot - 175 feet

- **Amend Sect. 3-E08, Maximum Density, to read as follows:**

1. Conventional subdivisions: One (1) dwelling unit per two (2) acres, or 0.5 dwelling unit per acre.
2. Cluster subdivisions: 0.55 dwelling unit per acre for cluster subdivisions approved by special exception, and 0.50 dwelling unit per acre for cluster subdivisions that are the result of a proffered rezoning from a district that allows a permitted maximum density of less than one (1) dwelling unit per two (2) acres.

- **Amend Sect. 3-E09, Open Space, to read as follows:**

In subdivisions approved for cluster development, 30% of the gross area shall be open space.

- **Amend the R-1 Residential District, One Dwelling Unit/Acre as follows:**

- **Amend Sect. 3-101, Purpose and Intent, to read as follows:**

The R-1 District is established to provide for single family detached dwellings; to allow other selected uses which are compatible with the low density residential character of the district; and otherwise to implement the stated purpose and intent of this Ordinance.

- **Amend Sect. 3-106, Lot Size Requirements, to read as follows:**

1. Minimum district size for cluster subdivisions: 10 acres

2. Average lot area: No Requirement

3. Minimum lot area

A. Conventional subdivision lot: 36,000 sq. ft.

B. Cluster subdivision lot: 25,000 sq. ft.

4. Minimum lot width

A. Conventional subdivision lot:

(1) Interior lot - 150 feet

(2) Corner lot - 175 feet

B. Cluster subdivision lot:

(1) Interior lot - No Requirement

(2) Corner lot - 125 feet

5. The minimum district size requirement presented in Par. 1 above may be waived by the Board in accordance with the provisions of Sect. 9-610.

- **Amend Sect. 3-108, Maximum Density, to read as follows:**

1. Conventional subdivisions: One (1) dwelling unit per acre.

2. Cluster subdivisions: 1.1 dwelling units per acre for cluster subdivisions approved by special exception and one (1) dwelling unit per acre for cluster subdivisions that are the result of a proffered rezoning from a district that allows a permitted maximum density of less than one (1) dwelling unit per acre.

- **Amend Sect. 3-109, Open Space, to read as follows:**

In subdivisions approved for cluster development, 30% of the gross area shall be open space.

- **Amend the R-2 Residential District, Two Dwelling Units/Acre as follows:**

- **Amend Sect. 3-205, Use Limitations, by revising Par. 3 to read as follows:**



3. Cluster subdivisions may be permitted in accordance with the provisions of Sect. 2-421.
- **Amend Sect. 3-206, Lot Size Requirements, to read as follows:**
  1. Minimum district size for cluster subdivisions: 2 acres
  2. Average lot area: No Requirement
    - A. Conventional subdivision lot: 18,000 sq. ft.
    - B. Cluster subdivision lot: No requirement
  3. Minimum lot area
    - A. Conventional subdivision lot: 15,000 sq. ft.
    - B. Cluster subdivision lot: 13,000 sq. ft., except that if any portion of a cluster subdivision lot is located within 25 feet of a peripheral boundary of the cluster subdivision, and any portion of any lot located outside of the cluster subdivision that is contiguous to that cluster subdivision's peripheral boundary is zoned to a district that permits a maximum density equal to or less than 2 dwelling units per acre and contains a single family detached dwelling or is vacant, then such cluster subdivision lot shall contain a minimum lot area of 15,000 square feet. Notwithstanding the above, when the contiguous development is zoned to the PDH-2 District or to an R-2 District and is developed with and/or approved for a cluster subdivision, all lots within the proposed cluster subdivision shall contain a minimum lot area of 13,000 square feet.
  4. Minimum lot width
    - A. Conventional subdivision lot:
      - (1) Interior lot - 100 feet
      - (2) Corner lot - 125 feet
    - B. Except as qualified below, cluster subdivision lot:
      - (1) Interior lot - No Requirement
      - (2) Corner lot - 100 feet

If any portion of a cluster subdivision lot is located within 25 feet of a peripheral boundary of the cluster subdivision, and any portion of any lot located outside of the cluster subdivision that is contiguous to that peripheral cluster subdivision's boundary is zoned to a district that permits a maximum density equal to or less than 2 dwelling units per acre and contain a single family detached dwelling or is vacant, then such cluster subdivision lot shall contain a minimum lot width of 100 feet for interior lots and 125 feet for corner lots. Notwithstanding the above, when the contiguous development is zoned to the PDH-2 District or to a R-2 District and is developed with and/or approved for a cluster subdivision, all lots within the proposed cluster subdivision shall have no minimum required lot width for interior lots and shall contain a minimum lot width of 100 feet for corner lots.

- **Amend Sect. 3-209, Open Space, to read as follows:**

In subdivisions approved for cluster development, 25% of the gross area shall be open space

- **Amend Sect. 3-210, Affordable Dwelling Unit Developments, by revising the introductory paragraph and Paragraphs 1, 2 and 9 to read as follows:**

Affordable dwelling unit developments may consist of single family detached dwelling units, either in a conventional subdivision or cluster subdivision. Cluster subdivisions shall be subject to the approval of the Director in accordance with Sect. 2-421. In addition, single family attached dwelling units are permitted, provided that no more than thirty-five (35) percent of the total number of dwelling units allowed within the development shall be single family attached dwelling units. The following regulations shall apply to dwelling units in affordable dwelling unit developments:

1. Minimum lot area

A. Single family detached conventional subdivision lot: 12,000 sq. ft.

B. Single family detached cluster subdivision lot: 10,400 sq. ft., except that if any portion of a cluster subdivision lot is located within 25 feet of a peripheral boundary of the cluster subdivision and any portion of any lot located outside of the cluster subdivision that is contiguous to that cluster subdivision's peripheral boundary is zoned to a district that permits a maximum density equal to or less than 2 dwelling units per acre and contains a single family detached dwelling or is vacant, then such cluster subdivision lot shall contain a minimum lot area of 12,000 square feet. Notwithstanding the above, when the contiguous development is zoned to the PDH-2 District or to an R-2 District and is developed with and/or approved for a cluster subdivision, all lots within the proposed cluster subdivision shall contain a minimum lot area of 10,400 square feet.

C. Single family attached: No Requirement

2. Minimum lot width

A. Single family detached conventional subdivision lot:

- (1) Interior lot - 80 feet
- (2) Corner lot - 105 feet

B. Except as qualified below, single family detached cluster subdivision lot:

- (1) Interior lot - No Requirement
- (2) Corner lot - 80 feet

If any portion of a cluster subdivision lot is located within 25 feet of a peripheral boundary of the cluster subdivision, and any portion of any lot located outside of the cluster subdivision that is contiguous to that peripheral cluster subdivision's boundary is zoned to a district that permits a maximum density equal to or less than 2 dwelling units per acre and contains a single family detached dwelling or is vacant, then such cluster subdivision lot shall contain a minimum lot width of 80 feet for interior lots and 105 feet for corner lots. Notwithstanding the above, when the contiguous development is zoned to the PDH-2 District or to a R-2 District and is developed with and/or approved for a cluster subdivision, all lots within the proposed cluster subdivision shall have no minimum required lot width for interior lots and shall contain a minimum lot width of 80 feet for corner lots.

C. Single family attached dwellings: 14 feet, which may be waived by the Board for conventional subdivisions in accordance with the provisions of Sect. 9-613

9. Open Space

A. In conventional subdivisions containing both single family detached and attached dwelling units, open space in an amount equivalent to 200 square feet per single family attached dwelling unit shall be provided and such open space shall be located adjacent to the single family attached dwelling units.

B. In cluster subdivisions with single family detached dwelling units, 22% of the gross area shall be open space. When such developments also contain single family attached dwelling units, within such 22% open space, 200 square feet of open space per single family attached dwelling unit shall be provided adjacent to the single family attached dwelling units.

- **Amend the R-3 Residential District, Three Dwelling Units/Acre as follows:**
  - **Amend Sect. 3-305, Use Limitations, by revising Par. 3 to read as follows:**
    - 3. Cluster subdivisions may be permitted in accordance with the provisions of Sect.-9-615 when the cluster subdivision has a minimum district size of two (2) acres but less than three and one-half (3.5) acres, and with the provisions of Sect. 2-421 when the cluster subdivision has a minimum district size of three and one-half (3.5) acres or greater.
  - **Amend Sect. 3-306, Lot Size Requirements, to read as follows:**
    - 1. Minimum district size for cluster subdivisions:
      - A. Cluster subdivisions containing a minimum of two (2) acres but less than three and one-half (3.5) acres shall be subject to special exception approval.
      - B. Cluster subdivisions containing a minimum of three and one-half (3.5) acres or greater shall be subject to approval by the Director.
    - 2. Average lot area
      - A. Conventional subdivision lot: 11,500 sq. ft.
      - B. Cluster subdivision lot: No requirement.
    - 3. Minimum lot area
      - A. Conventional subdivision lot: 10,500 sq. ft.
      - B. Cluster subdivision lot approved by the Director: 8,500 sq. ft, except that if any portion of a cluster subdivision lot is located within 25 feet of a peripheral boundary of the cluster subdivision and any portion of any lot located outside of the cluster subdivision that is contiguous to that cluster subdivision's peripheral boundary is zoned to a district that permits a maximum density equal to or less than 3 dwelling units per acre and contains a single family detached dwelling or is vacant, then such cluster subdivision lot shall contain a minimum lot area of 10,500 square feet. Notwithstanding the above, when the contiguous development is zoned to the PDH-3 District or to an R-3 District and is developed with and/or approved for a cluster subdivision, all lots within the proposed cluster subdivision shall contain a minimum lot area of 8,500 square feet.
      - C. Cluster subdivision lot approved by special exception: 8,500 sq. ft

4. Minimum lot width

A. Conventional subdivision lot:

- (1) Interior lot - 80 feet
- (2) Corner lot - 105 feet

B. Except as qualified below, cluster subdivision lot approved by the Director:

- (1) Interior lot - No Requirement
- (2) Corner lot - 80 feet

If any portion of a cluster subdivision lot is located within 25 feet of a peripheral boundary of the cluster subdivision, and any portion of any lot located outside of the cluster subdivision that is contiguous to that peripheral cluster subdivision's boundary is zoned to a district that permits a maximum density equal to or less than 3 dwelling units per acre and contains a single family detached dwelling or is vacant, then such cluster subdivision lot shall contain a minimum lot width of 80 feet for interior lots and 105 feet for corner lots. Notwithstanding the above, when the contiguous development is zoned to the PDH-3 District or to a R-3 District and is developed with and/or approved for a cluster subdivision, all lots within the proposed cluster subdivision shall have no minimum required lot width for interior lots and shall contain a minimum lot width of 80 feet for corner lots.

C. Cluster subdivision lot approved by special exception:

- (1) Interior lot - No Requirement
- (2) Corner lot - 80 feet

- **Amend Sect. 3-308, Maximum Density, to read as follows:**

- 1. Conventional subdivisions: Three (3) dwelling units per acre.
- 2. Cluster subdivisions: Three (3) dwelling units per acre for cluster subdivisions approved by the Director in accordance with Section 2-421, or that are the result of a proffered rezoning from a district that allows less than three (3) dwelling units per acre; three (3) dwelling units per acre plus one (1) additional bonus dwelling unit for cluster subdivisions approved by special exception.

- **Amend Sect. 3-309, Open Space, to read as follows:**

In subdivisions approved for cluster development, 25% of the gross area shall be open space.

- **Amend Sect. 3-310, Affordable Dwelling Unit Developments, by revising the introductory paragraph and Paragraphs 1, 2 and 9 to read as follows:**

Affordable dwelling unit developments may consist of single family detached dwelling units, either in a conventional subdivision or cluster subdivision. Cluster subdivisions shall be subject to the approval of the Director in accordance with Sect. 2-421. In addition, single family attached dwelling units are permitted, provided that no more than forty (40) percent of the total number of dwelling units allowed within the development shall be single family attached dwelling units. The following regulations shall apply to dwelling units in affordable dwelling unit developments.

1. Minimum lot area

- A. Single family detached conventional subdivision lot: 8,400 sq. ft.
- B. Single family detached cluster subdivision lot: 6,800 sq. ft., except that if any portion of a cluster subdivision lot is located within 25 feet of a peripheral boundary of the cluster subdivision and any portion of any lot located outside of the cluster subdivision that is contiguous to that cluster subdivision's peripheral boundary is zoned to a district that permits a maximum density equal to or less than 3 dwelling units per acre and contains a single family detached dwelling or is vacant, then such cluster subdivision lot shall contain a minimum lot area of 8,000 square feet. Notwithstanding the above, when the contiguous development is zoned to the PDH-3 District or to an R-3 District and is developed with and/or approved for a cluster subdivision, all lots within the proposed cluster subdivision shall contain a minimum lot area of 6,800 square feet.
- C. Single family attached: No Requirement

2. Minimum lot width

- A. Single family detached conventional subdivision lot:
  - (1) Interior lot – 70 feet
  - (2) Corner lot – 95 feet
- B. Except as qualified below, single family detached cluster subdivision lot:
  - (1) Interior lot – No Requirement

(2) Corner lot – 70 feet

If any portion of a cluster subdivision lot is located within 25 feet of a peripheral boundary of the cluster subdivision, and any portion of any lot located outside of the cluster subdivision that is contiguous to that peripheral cluster subdivision's boundary is zoned to a district that permits a maximum density equal to or less than 3 dwelling units per acre and contains a single family detached dwelling or is vacant, then such cluster subdivision lot shall contain a minimum lot width of 70 feet for interior lots and 95 feet for corner lots. Notwithstanding the above, when the contiguous development is zoned to the PDH-3 District or to a R-3 District and is developed with and/or approved for a cluster subdivision, all lots within the proposed cluster subdivision shall have no minimum required lot width for interior lots and shall contain a minimum lot width of 70 feet for corner lots.

- C. Single family attached dwellings: 14 feet, which may be waived by the Board for conventional subdivisions in accordance with the provisions of Sect. 9-613.

9. Open Space

- A. In conventional subdivisions containing both single family detached and attached dwelling units, open space in an amount equivalent to 200 square feet per single family attached dwelling unit shall be provided and such open space shall be located adjacent to the single family attached dwelling units.
- B. In cluster subdivisions with single family detached dwelling units, 22% of the gross area shall be open space. When such developments also contain single family attached dwelling units, within such 22% open space, 200 square feet of open space per single family attached dwelling unit shall be provided adjacent to the single family attached dwelling units.

- **Amend the R-4 Residential District, Four Dwelling Units/Acre as follows:**

- **Amend Sect. 3-405, Use Limitations, by revising Par. 3 to read as follows:**

- 3. Cluster subdivisions may be permitted in accordance with the provisions of Sect.-9-615 when the cluster subdivision has a minimum district size of two (2) acres but less than three and one-half (3.5) acres, and with the provisions of Sect. 2-421 when the cluster subdivision has a minimum district size of three and one-half (3.5) acres or greater.

- **Amend Sect. 3-406, Lot Size Requirements, to read as follows:**

- 1. Minimum district size for cluster subdivisions:

- A. Cluster subdivisions containing a minimum district size of two (2) acres but less than three and one-half (3.5) acres shall be subject to special exception approval.
  - B. Cluster subdivisions containing a minimum district size of three and one-half (3.5) acres or greater shall be subject to approval by the Director.
- 2. Average lot area
  - A. Conventional subdivision lot: 8,800 sq. ft.
  - B. Cluster subdivision lot: No requirement
- 3. Minimum lot area
  - A. Conventional subdivision lot: 8,400 sq. ft.
  - B. Cluster subdivision lot approved by the Director: 6,000 sq. ft., except that if any portion of a cluster subdivision lot is located within 25 feet of a peripheral boundary of the cluster subdivision and any portion of any lot located outside of the cluster subdivision that is contiguous to that cluster subdivision's peripheral boundary is zoned to a district that permits a maximum density equal to or less than 4 dwelling units per acre and contains a single family detached dwelling or is vacant, then such cluster subdivision lot shall contain a minimum lot area of 8,000 square feet. Notwithstanding the above, when the contiguous development is zoned to the PDH-4 District or to an R-4 District and is developed with and/or approved for a cluster subdivision, all lots within the proposed cluster subdivision shall contain a minimum lot area of 6,000 square feet.
  - C. Cluster subdivision lot approved by special exception: 6,000 sq. ft.
- 4. Minimum lot width
  - A. Conventional subdivision lot:
    - (1) Interior lot - 70 feet
    - (2) Corner lot - 95 feet
  - B. Except as qualified below, cluster subdivision lot approved by the Director:
    - (1) Interior lot - No Requirement
    - (2) Corner lot - 70 feet



If any portion of a cluster subdivision lot is located within 25 feet of a peripheral boundary of the cluster subdivision and any portion of any lot located outside of the cluster subdivision that is contiguous to that peripheral cluster subdivision's boundary is zoned to a district that permits a maximum density equal to or less than 4 dwelling units per acre and contains a single family detached dwelling or is vacant, then such cluster subdivision lot shall contain a minimum lot width of 70 feet for interior lots and 95 feet for corner lots. Notwithstanding the above, when the contiguous development is zoned to the PDH-4 District or to a R-4 District and is developed with and/or approved for a cluster subdivision, all lots within the proposed cluster subdivision shall have no minimum required lot width for interior lots and shall contain a minimum lot width of 70 feet for corner lots.

C. Cluster subdivision lot approved by special exception:

- (1) Interior lot - No Requirement
- (2) Corner lot - 70 feet

- **Amend Sect. 3-408, Maximum Density, to read as follows:**

- 1. Conventional subdivisions: Four (4) dwelling units per acre.
- 2. Cluster subdivisions: Four (4) dwelling units per acre for cluster subdivisions approved by the Director in accordance with Section 2-421, or that are the result of a proffered rezoning from a district that allows a permitted maximum density of less than four (4) dwelling units per acre; four (4) dwelling units per acre plus one (1) additional bonus dwelling unit for cluster subdivisions approved by special exception.

- **Amend Sect. 3-409, Open Space, to read as follows:**

In subdivisions approved for cluster development, 25% of the gross area shall be open space.

- **Amend Sect. 3-410, Affordable Dwelling Unit Developments, by revising the introductory paragraph and Paragraphs 1, 2 and 9 to read as follows:**

Affordable dwelling unit developments may consist of single family detached dwelling units, either in a conventional subdivision or cluster subdivision. Cluster subdivisions shall be subject to the approval of the Director in accordance with Sect. 2-421. In addition, single family attached dwelling units are permitted, provided that no more than forty-five (45) percent of the total number of dwelling units allowed within the development shall be single family attached dwelling units. The following regulations shall apply to dwelling units in affordable dwelling unit developments:

1. Minimum lot area

- A. Single family detached conventional subdivision lot: 6,720 sq. ft.
- B. Single family detached cluster subdivision lot: 4,800 sq. ft., except that if any portion of a cluster subdivision lot is located within 25 feet of a peripheral boundary of the cluster subdivision and any portion of any lot located outside of the cluster subdivision that is contiguous to that cluster subdivision's peripheral boundary is zoned to a district that permits a maximum density equal to or less than 4 dwelling units per acre and contains a single family detached dwelling or is vacant, then such cluster subdivision lot shall contain a minimum lot area of 6,720 square feet. Notwithstanding the above, when the contiguous development is zoned to the PDH-4 District or to an R-4 District and is developed with and/or approved for a cluster subdivision, all lots within the proposed cluster subdivision shall contain a minimum lot area of 4,800 square feet.
- C. Single family attached: No Requirement

2. Minimum lot width

- A. Single family detached conventional subdivision lot:
  - (1) Interior lot - 56 feet
  - (2) Corner lot - 76 feet
- B. Except as qualified below, single family detached cluster subdivision lot:
  - (1) Interior lot - No Requirement
  - (2) Corner lot - 56 feet

If any portion of a cluster subdivision lot is located within 25 feet of a peripheral boundary of the cluster subdivision, and any portion of any lot located outside of the cluster subdivision that is contiguous to that peripheral cluster subdivision's boundary is zoned to a district that permits a maximum density equal to or less than 4 dwelling units per acre and contains a single family detached dwelling or is vacant, then such cluster subdivision lot shall contain a minimum lot width of 56 feet for interior lots and 76 feet for corner lots. Notwithstanding the above, when the contiguous development is zoned to the PDH-4 District or to a R-4 District and is developed with and/or approved for a cluster subdivision, all lots within the proposed cluster subdivision shall have no minimum required lot width for interior lots and shall contain a minimum lot width of 56 feet for corner lots.

- C. Single family attached dwellings: 14 feet, which may be waived by the Board for conventional subdivisions in accordance with the provisions of Sect. 9-613.

9. Open Space

- A. In conventional subdivisions containing both single family detached and attached dwelling units, open space in an amount equivalent to 200 square feet per single family attached dwelling unit shall be provided and such open space shall be located adjacent to the single family attached dwelling units.
- B. In cluster subdivisions with single family detached dwelling units, 22% of the gross area shall be open space. When such developments also contain single family attached dwelling units, within such 22% open space, 200 square feet of open space per single family attached dwelling unit shall be provided adjacent to the single family attached dwelling units.

**Amend Article 9, Special Exceptions, as follows:**

- **Amend Part 0, General Provisions, Sect. 9-004, Status of Special Exception Uses, by revising Par. 4(A)1 to read as follows:**

- 4. Minor modifications to an approved special exception may be permitted when it is determined by the Zoning Administrator that such are in substantial conformance with the approved special exception and that such: are in response to issues of topography, drainage, underground utilities, structural safety, layout, design, vehicular circulation, or requirements of the Virginia Department of Transportation or Fairfax County; or are accessory uses; or are accessory structures or minor building additions as permitted by Par. 4A(7) or 4B(7) below.
  - A. For approved special exceptions for all uses, other than churches, chapels, temples, synagogues and other such places of worship (hereinafter places of worship) and places of worship with a child care center, nursery school or private school of general or special education the modifications shall, in no event:
    - (1) Change the amount of land area or permit a more intensive use which shall include but not be limited to an expansion of the hours of operation or an increase in number of seats, dwellings, students or employees from that approved pursuant to the special exception; or

- **Amend Part 6, Category 6 Miscellaneous Provisions Requiring Board of Supervisors' Approval, as follows:**

- **Amend Sect. 9-610, Provisions for Waiving Minimum Lot Size Requirements, to read as follows:**

The Board may approve, either in conjunction with the approval of a rezoning or a special exception, the waiving of the minimum district requirement for an R district, except for cluster subdivisions in the R-2 District and cluster subdivisions in the R-3 and R-4 Districts which have a minimum district size of three and one-half (3.5) acres or greater, the minimum lot area and/or width requirements for a C district or the minimum district requirement for the C-9 District, and the minimum district size, lot area and/or width requirements for an I district, but only in accordance with the following:

1. Such lot has not been reduced in width or area since the effective date of this Ordinance to a width or area less than required by this Ordinance.
2. It shall be demonstrated that development of the subject lot will not have any deleterious effect on the existing or planned development of adjacent properties.
3. Such waiver shall be approved only if the remaining provisions of this Ordinance can be satisfied.

- **Amend Sect. 9-612, Provisions for Waiving Open Space Requirements, to read as follows:**

Except for cluster subdivisions in the R-2 District and cluster subdivisions in the R-3 and R-4 Districts which have a minimum district size of three and one-half (3.5) acres or greater, the Board may approve, either in conjunction with the approval of appropriate proffered conditions or as a special exception, the waiving of the open space requirement presented for a given zoning district and/or the open space requirement for cluster subdivisions in the R-C, R-E and R-1 Districts and cluster subdivisions in the R-3 and R-4 Districts which have a minimum district size of two (2) acres but less than three and one-half (3.5) acres, set forth in Par. 4 of Sect. 2-309, but only in accordance with the following provisions:

1. Such waiver may be approved only if it will further the intent of the Ordinance, and the intent and implementation of the adopted comprehensive plan and other adopted policies.
2. Such waiver may be approved only if it is established that the resultant development will be harmonious with adjacent development.
3. Such a waiver may be approved only if the provisions of Article 13 are satisfied.

- **Amend Sect. 9-615, Provisions for a Cluster Subdivision, by revising the introductory paragraph and Par. 3 to read as follows:**

The Board may approve, either in conjunction with the approval of a rezoning or as a special exception, a cluster subdivision in an R-C, R-E, or R-1 District, or a cluster subdivision in a R-3 or R-4 District which has a minimum district size of two (2) acres but less than three and one-half (3.5) acres, but only in accordance with the provisions of this section. Special exceptions for cluster subdivisions in the R-2 District and cluster subdivisions in the R-3 or R-4 Districts which have a minimum district size of three and one-half (3.5) acres or greater, that were approved by the Board prior to July 1, 2004, shall remain valid and the cluster subdivisions shall continue pursuant to such special exception approval and any development conditions imposed by such approval. Amendments to such special exceptions for cluster subdivisions in the R-2 District and cluster subdivisions in the R-3 or R-4 Districts which have a minimum district size of three and one-half (3.5) acres or greater, shall be pursued in accordance with the provisions of Sect. 9-014 and the following:

3. In no case shall the maximum density specified for the applicable district be increased nor shall other applicable regulations or use limitations for the district be modified or changed; provided, however, the Board may approve a modification to the minimum lot size and/or minimum yard requirements when it can be concluded that such a modification(s) is in keeping with the purpose of this Section and the applicable zoning district. No lot shall extend into a floodplain and adjacent slopes in excess of fifteen (15) percent grade or Resource Protection Area unless approved by the Board based on a determination that:
  - A. The particular floodplain and adjacent slopes in excess of fifteen (15) percent grade or Resource Protection Area, by reason of its size or shape, has no practical open space value, and
  - B. The amount of floodplain and adjacent slopes in excess of fifteen (15) percent grade or Resource Protection Area on the lot is minimal, and
  - C. The lot otherwise meets the required minimum lot area specified for the district in which located.

**Amend Article 18, Administration, Amendments, Violations and Penalties, as follows:**

**Amend Part 2, Amendments, Sect. 18-204, Proffered Conditions Regulations, by revising Par. 5A(1) to read as follows:**

Proffered conditions shall include written statements, development plans, profiles, elevations, and/or other demonstrative materials proffered in accordance with the provisions of Par. 4 of Sect. 203 above and approved by the Board in conjunction with the approval of an amendment to the Zoning Map. Proffered conditions shall be subject to the following procedures and regulations:

5. Notwithstanding the provisions of Part 4 of Article 1, minor modifications to the proffered conditions may be permitted when it is determined by the Zoning Administrator that such are in substantial conformance with the proffered conditions and that such: are in response to issues of topography, drainage, underground utilities, structural safety, layout, design, vehicular circulation, or requirements of the Virginia Department of Transportation or Fairfax County; or are accessory uses; or are accessory structures or minor building additions as permitted by Par. 5A(7) or 5B(7) below.
  - A. For proffered rezonings for all uses, other than churches, chapels, temples, synagogues and other such places of worship (hereinafter places of worship), or places of worship with a child care center, nursery school or private school of general or special education, the modifications shall, in no event:
    - (1) Change the amount of land area or permit a more intensive use from that approved pursuant to the proffered conditions; or

**Amend Part 4, Variances, Sect. 18-406, Unauthorized Variances, by adding a new Par. 9 to read as follows:**

9. No variance shall be authorized that would modify the minimum district size, lot area, lot width or open space requirements of a cluster subdivision in the R-2 District and a cluster subdivision in a R-3 or R-4 District which has a minimum district size of three and one-half (3.5) acres or greater.

**Amend Article 20, Ordinance Structure, Interpretations and Definitions, Part 3, Definitions, by revising the definition of Cluster Subdivision to read as follows:**

- SUBDIVISION, CLUSTER: An alternate means of subdividing a lot in the R-C through R-4 Districts premised on the concept of reducing lot size requirements for the provision of common open space within the development, all in accordance with the provisions of Sections 2-421 and 9-615 as applicable.

**This amendment shall become effective on July 1, 2004 at 12:01 a.m.**

**GIVEN under my hand this 8th day of June, 2004.**

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**NANCY VEHR**  
**Clerk to the Board of Supervisors**